




# Pharmaceuticals







## Sector Inquiry

On 8 July 2009 the European Commission adopted the Final Report on its competition inquiry into the pharmaceutical sector, pursuant to Article 17 of Regulation 1/2003 EC. This page provides information relating to the inquiry, including reports, press releases, frequently asked questions (FAQ), presentations and speeches and other relevant documents.

### Monitoring of patent settlements

- July 2012: [3rd Report on the Monitoring of Patent Settlements](#) (period: January-December 2011)   
*August 2012: Please note that some minor corrections have been made to the report concerning particularly the annual average numbers during the sector inquiry of 2008/2009. None of these corrections change the general number of settlements or their numbers according to the three major categorisations (A, BI and BII) for the period investigated in this report or the general trends ascertained for the period investigated.*
- July 2011: [2nd Report on the Monitoring of Patent Settlements](#) (period: January-December 2010)   
Press release: [Antitrust: Commission welcomes new decrease in problematic pharma patent settlements in the EU](#)
- January 2011 - [Commission launches second monitoring exercise of patent settlements](#)
- July 2010 - [1st Report on the Monitoring of Patent Settlements](#) (period: mid 2008 - end 2009)   
  
Press release: [Commission welcomes decrease of potentially problematic patent settlements in EU pharma sector](#)

### Final Report (8 July 2009)

- Commission Communication [bg cs da de el en es et fi fr hu it lt lv mt nl pl pt ro sk sl sv](#) 
- Commission Staff Working Document (Technical annex to the Commission Communication) [part 1](#) - [part 2](#) 
- Citizens' summary [bg cs da de el en es et fi fr hu it lt lv mt nl pl pt ro sk sl sv](#) 
- Press release - [Antitrust: shortcomings in pharmaceutical sector require further action](#) - IP/09/1098
- [Frequently asked questions on final report of sector inquiry into pharmaceuticals](#) – MEMO/09/321
- [Fact sheet 1: Prices, time to generic entry and consumer savings](#) 
- [Fact sheet 2: Originator-Generic competition](#) 
- [Fact sheet 3: Originator-Originator competition](#) 







## Comments received in the context of the public consultation

In the framework of the public consultation on the Preliminary Report which took place from 28 November 2008 to 31 January 2009, more than 70 submissions were received.

Respondents represented a wide variety of stakeholders and included originator companies and associations of originator companies, generic companies and associations of generic companies, business confederations, public bodies such as the European Patent Office, associations of sickness funds, associations representing intellectual property lawyers, law firms and academics.

The contributions received can be found [here](#).

## Preliminary Report (28 November 2008)


- Executive Summary [bg](#) [cz](#) [de](#) [da](#) [el](#) [en](#) [es](#) [et](#) [fi](#) [fr](#) [hu](#) [it](#) [lt](#) [lv](#) [mt](#) [nl](#) [pl](#) [ro](#) [sk](#) [sl](#) [sv](#) 
- [Preliminary Report](#) 
- Press release – [Preliminary report on pharmaceutical sector inquiry highlights cost of pharma companies' delaying tactics](#) – IP/08/1829, 28.11.2008
- [Frequently asked questions on preliminary report of sector inquiry into pharmaceuticals](#) – MEMO/08/746, 28.11.2008
- [Opening remarks](#) by Commissioner Neelie Kroes at press conference. ([audio](#), mp3 24.1 MB. Video, [rm](#) 49.1MB, 26 min)
- Fact sheets:
  - Fact sheet 1: [Prices, time to generic entry and consumer savings](#) 
  - Fact sheet 2: [Originator-Generic competition](#) 
  - Fact sheet 3: [Originator-Originator competition](#) 
  - Fact sheet 4: [Regulatory Framework](#) 
- [Additional information](#): List of 219 medicines (INNs) including E75 (sample of top selling medicines facing loss of exclusivity) and T50 (sample of top selling medicines) marking

## Public presentation of preliminary findings on 28 November 2008

The Commission presented the preliminary findings at a conference on 28th November 2008 in Brussels.

### Presentations and speeches

#### Session 1





- [Opening speech by Neelie Kroes, Commissioner for competition.](#)
- [Presentation of the Sector Inquiry results by DG Competition](#) 

#### Session 2

- Questions from the audience Chaired by Herbert Ungerer, Deputy Director General, DG Competition

- Speech by Heinz Zourek, Director General, DG Enterprise and Industry
- Message by Commissioner Androulla Vassiliou (Health), by Philippe Brunet, Head of Cabinet
- [Speech by Commissioner Meglena Kuneva](#), Commissioner for consumer protection

### Session 3

- Speech by the Rt. Hon. Sir [Robin Jacob](#) , Court of Appeal of England and Wales
- Panel discussion Chaired by Lowri Evans, Deputy Director General, DG Competition
  - o [Arthur J. Higgins](#),  President, European Federation of Pharmaceutical Industries and Associations (EFPIA)
  - o Rory O'Riordan, Vice-President, European Generic Medicines Association (EGA)
  - o [Paolo Martinello](#),  President, The European Consumers' Association (BEUC)
  - o Edwin Velzel, CEO, UVIT (Dutch health insurance company)
  - o [Bruno Lasserre](#),  President, Conseil de la Concurrence (France)
  - o Daniel Jacob, Deputy Director General of DG Research
  - o Martin Power, Head of Cabinet of Commissioner McCreevy
  - o Questions from the audience to the Panel
- Concluding remarks by Herbert Ungerer

### Questionnaires to stakeholders (March/May 2008)

In March 2008 the Commission sent questionnaires to approximately 100 companies that are producers of originator and/or generic medicines. Moreover, approximately 100 questionnaires to other stakeholders were sent in April and May 2008.

Stakeholders that received a questionnaire can download an electronic version on the dedicated websites below.

- [Website for companies that received an "originator" questionnaire](#) (access only with login and password. Domain should be changed to "circa")
- [Website for companies that received a "generics" questionnaire](#) (access only with login and password. Domain should be changed to "circa")
- [Website for authorities that received a "Marketing Authorisation Authorities" questionnaire](#) (access only with login and password. Domain should be changed to "circa")
- [Website for companies that received a "Parallel Trade" questionnaire](#) (access only with login and password. Domain should be changed to "circa")
- [Website for companies that received a "Wholesale" questionnaire](#) (access only with login and password. Domain should be changed to "circa")
- [Website for authorities that received the questionnaire to "National Competition Authorities"](#) (access only with login and password. Domain should be changed to "circa")
- [Website for companies that received the second "originator" questionnaire](#)

[Website for companies that received the second "generics" questionnaire](#)


## **Opening of the inquiry (January 2008)**

On 15 January 2008 the European Commission launched an inquiry into competition in the pharmaceuticals sector.

The inquiry is a response to indications that competition in Europe's pharmaceuticals markets may not be working well: fewer new medicines are being brought to market, and the entry of generic medicines sometimes seems to be delayed. The inquiry will therefore look at the reasons for this.

In particular, the inquiry will examine whether agreements between pharmaceutical companies, such as settlements in patent disputes, have blocked or lead to delays in market entry. It will also look into whether companies may have created artificial barriers to entry (through the misuse of patent rights, vexatious litigation or other means). The sector inquiry does not aim to establish infringements of EC competition law by individual companies (Articles 81 and 82 EC).

The inquiry's findings will, if necessary, allow the Commission or national competition authorities to focus any future action on the most serious competition concerns, and to identify remedies to resolve the specific competition problems in individual cases.

- , [Frequently asked questions](#) (MEMO/08/20, 16.01.2008)
- , [Press release](#) on the opening of the inquiry and the launch of inspections at a selected number pharmaceutical companies (IP/08/49, 16.01.2008)
- , [Speech by Commissioner Kroes](#)
- , Commission decision initiating the inquiry [en](#) [fr](#) [de](#)  (15.01.2008)

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